

### REMARKS

#### INTRODUCTION

In accordance with the foregoing, claims 1, 13, and 16 have been amended and claims 2-12, 14-15, and 17-19 have been canceled, without prejudice or disclaimer. No new matter has been submitted.

#### ENTRY OF AFTER FINAL AMENDMENT

Entry of this After Final Amendment is respectfully requested. It is respectfully submitted that the above amendments to claims 1, 13 and 15, and canceling of claims 2-12, 14-15, and 17-19 put the application in better condition for appeal, without raising new issues or requiring an additional search.

It is respectfully submitted that the above amendment to claim 1 has already been considered and searched by the Examiner in the previous review of canceled claim 14.

In addition, as noted below, Kwon et al., U.S. Patent No. 6,242,140, is not a proper 102(a) or 102(e)/103(c) reference. Therefore, the corresponding outstanding rejections fail to meet a prima facie obviousness standard.

Accordingly, entry and consideration of the above amendments is respectfully requested.

#### REJECTION UNDER 35 USC 112

Although applicants disagree with the Examiner's conclusions, under 35 USC 112, first and second paragraphs, it is respectfully submitted that this outstanding rejection is now moot, as the offending language has been removed from consideration with the cancellation of claims 14, 15, 17 and 18.

Withdrawal of this rejection is respectfully requested.

#### REJECTION UNDER 35 USC 102 and 103

Claims 1 and 13 stand rejected under 35 USC 102(e) as being anticipated by Nirmal et al., U.S. Patent No. 6,358,664, and claim 16 stands rejected under 35 USC 103(a) as being obvious over Nirmal et al., in view of Littman et al., U.S. Patent No. 5,688,551, and Kwon et al., U.S. Patent No. 6,242,140. These rejections are respectfully traversed.

The Office Action agrees that Nirmal et al. fails to disclose the claimed forming of a laser beam by mixing other laser beam, as well as the presently claimed "laser beam [being] a complex laser formed by mixing a plurality of lasers having different energy distributions," of independent claim 1.

To disclose this feature, the Office Action relies upon Kwon et al. to disclose forming a laser beam by mixing other laser beams. The Office Action particularly points to FIG. 15 of the present application and FIG. 6 of Kwon et al., indicating resemblance of the same.

However, as the illustrated substance of FIG. 15 of the present application was already illustrated in a corresponding drawing in applicants' foreign filed application, filed August 24, 2000, applicants' corresponding invention precedes the Issuance date of June 5, 2001 for Kwon et al., i.e., Kwon et al. is not a proper 102(a) reference.

In addition, Kwon et al. similarly fails to meet the guidelines of 102(e)/103(c).

Thus, Kwon et al. cannot be used to support the outstanding Office Action's obviousness rationale.

Therefore, for at least the above, it is respectfully requested that these rejections be withdrawn and claims 1, 13, and 16 be allowed.

#### CONCLUSION

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 12/8/04

By: 

Stephen T. Boughner  
Registration No. 45,317

1201 New York Ave, N.W., Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501